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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,043	04/02/2004	Subramani Saravanabhavan	A36205-PCT-USA-A; 066123.	2256
21003	7590	02/10/2005	EXAMINER EINSMANN, MARGARET V	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 1751	
PAPER NUMBER				

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,043

Applicant(s)

SARAVANABHAVAN ET AL.

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/5/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In step (a) of claim 1 line2 the phrase "wherein the pelt is delimed and/or bated" is misleading because step (a) does not delime of bate the pelt. It appears that applicant means, "wherein the pelt had been delimed and/or bated."

Regarding claim 2, it appears that applicant is adding a synthetic tanning agent and dye with the fat liquor, stirring for about 3 hours, and then adding another tanning agent (or more of the same synthetic tanning agent). Is that a correct analysis?

Regarding claim 3, the only complexing agents defined in the specification are polymeric syntan and acrylic syntan. These are tanning agents. Why is applicant calling tanning agents complexing agents? How does this claim further limit step © of claim 1 which already claims adding a tanning agent? Does this claim mean that the polymeric syntan or the acrylic syntan is added in step © in addition to another tanning agent, or is the complexing agent the only tanning agent added in step ©?

Regarding claims 15 and 18, it is unclear how long the process takes. If it can be performed in 6-10 hours, why does it take 5 days to complete it?

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,6,8-10 ,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhofer et al., US 5,620,748. In example 3 column 7, Birkhofer et al. disclose a process of treating a pelt with a fat liquor at a pH of 5.0 (applicant's claimed range is 5.0-8.5) with a fat liquor at 40° C. (applicant's claimed range is 20-55° C.) and stirring (drumming) , and then further treating with 3% (applicant claims 4-24%) of a synthetic tanning agent and then adjusting the pH to 3.6 (applicant claims adjusting to pH of 3.5-4.5) the and finishing in a conventional manner. The example differs from applicant's claim 1 in that

(a) the example does not state that the pelt is delimed and/or bated

(b) applicant claims using 2-6%w/w fat liquor and example 3 of Birkhofer uses 15% of an aqueous dispersion. Since 100% the tanning agent has been diluted with 76 g of water, that is about 8%. (See example 3 under examples of preparation in col 6 lines 21-32)

(c) applicant stirs for 3 hours in step (b) while example 3 of Birkhofer et al. discloses drumming for 30 minutes.

Regarding (a) it would have been obvious to a person having skill in the art at the time the invention was made that Birkhofer et al. is treating a bated/limed pelt because

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Birkhofer et al. applies the treatment to chrome tanned cattlehide leather, and the chrome tanning process always includes a deliming/bating step.

Regarding (b), it would have been obvious to a person having skill in the art at the time the invention was made that an amount of fat liquor within applicant's range could be used in the process of Birkhofer et al. because they teach at column 5 lines 41-42 that an amount of 0.1 to 30% by weight of fat liquor may be used.

Regarding (c), it would have been obvious to a person having skill in the art at the time the invention was made that applicant's 3 hours of stirring is encompassed by the broad teachings of Birkhofer et al. because they teach at column 5 lines 34-37 that treating the tanned hides for from 0.1-5 hours, which is inclusive of applicant's range of 30 minutes.

Regarding claim 17, none of these steps is included in the process of example 3 of Birkhofer et al.

Regarding claim 18, the process of example 3 can surely be completed within fewer than five days.

Claim Objections

Claim 15 objected to because of the following informalities: "performed" on line 1 needs correction. Appropriate correction is required.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/7/05


Margaret Einsmann
Primary Examiner
Art Unit 1751